



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Confirmation No. 4563

Raymond C. Crippen

Group Art Unit: 1755

Application Serial No. 10/042,283

Examiner: D. Brunsman

Filed: January 11, 2002

For: **ACTIVATED CHARCOAL BASED COMPOSITION AND METHOD FOR REDUCING HANGOVER SYMPTOMS ASSOCIATED WITH THE CONSUMPTION OF ALCOHOL CONTAINING BEVERAGES**

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DECLARATION UNDER 37 C.F.R. §1.132

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, RAYMOND C. CRIPPEN, do hereby declare as follows:

1. I am a co-inventor of US Application Serial Number 10/042,283.
2. I have read and understand the objections raised by the Examiner in the Office Action mailed October 16, 2003 (Paper No. 8), and in the subsequent Advisory Action mailed February 13, 2004.
3. I have read and understand the publication referred to as the "ChaserTM publication" by the Examiner in the October 16, 2003 Office Action which mentions that Chaser "has been taken by people for five years".
4. It is my understanding that this statement refers to my earlier experimental work. In October 2000, I licensed this technology to Tom Morse. Subsequently, Tom Morse and his colleagues conducted additional experiments in this area.

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5. For a number of years, I have had an interest in the effects that generally regarded as safe food additives have in ameliorating the unfortunate effects relating to electro magnetic fields. In this regard, I prepared several compositions composed of these substances at different dosages and formulations. In 1996, I prepared a composition comprising activated charcoal and limestone as part of my interest in this subject.

6. In the course of performing experiments on this composition, I consumed one or more tablets of the composition comprised of, *inter alia*, activated charcoal and limestone. Infrequently, but on at least one occasion, I administered a like composition to my wife, Helen Crippen. In addition, my adult children Larry Crippen and Judith Frisco also consumed these compositions on at least one occasion. All of us consumed these compositions within the privacy of my home, and neither my wife or children knew what these compositions were made of. After my wife or my children consumed these compositions, I observed their behavior and activities over a defined time interval, and monitored their response. My wife and my children were all given these compositions with the understanding that I was developing these formulations in confidence.

7. To my knowledge, no one else observed my wife, my children or myself consuming these compositions or was aware of the details of these compositions and, with the possible exception of my fellow co-inventors, no one else was aware that these uses had occurred prior to January 12, 2000.

8. I declare that all statements made herein are of my own knowledge or belief and, to the best of my knowledge, are true. I am also aware that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that willful false statements may jeopardize the validity of the application and any patent issuing thereon.

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04/15/04
DATE

Raymond C. Crippen
RAYMOND C. CRIPPEN

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* * * * *

DECLARATION UNDER 37 C.F.R. §1.132

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, **THOMAS F. MORSE**, President of *Innovation Ventures, L.L.C.*, do hereby declare as follows:

1. I am a co-founder of Innovation Ventures, L.L.C., currently doing business under the name Living Essentials. This corporation was founded in June 2000 and I have served as the President since that time.

2. I am making this declaration to supplement my declarations of January 16, 2004, and July 10, 2003, and also to address some of the Examiner's additional concerns.

3. I have read and understand the objections raised by the Examiner in the Office Action mailed October 16, 2003 (Paper No. 8), and in the subsequent Advisory Action mailed February 13, 2004.

4. My understanding of the issues raised by the Examiner in the above Advisory Action, is that insufficient detail has been provided regarding the nature (such as

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dates, locations, etc.) of the studies conducted. I therefore provide the following information regarding the nature of the studies conducted in the evaluation and pre-market stages.

5. It is my understanding that, prior to licensing his technology to us, Dr. Crippen had conducted some individual experiments regarding formulations comprising activated charcoal and limestone.

6. After Dr. Crippen licensed the technology to us, more controlled studies were conducted, as outlined below:

i) An initial study was conducted by one of my co-inventors operating at a sister company to Innovation Ventures. The study was conducted at a facility of the company on volunteers. This study is reported at pages 10-11 of the present application. This study was performed on or about November 2000, in Marion, Indiana. Other than being told that the ingredients of the test substances were generally regarded as safe, at no time were the participants of this study informed about the particulars of the composition they received. At no point were the formulations of the present invention released from our control as we conducted the studies.

ii) The second study was conducted by a group of independent clinical investigators in Michigan, on or about February 2001. This study is described on pages 12 and 13 of the present application, and the results are reported in Tables 4 and 5. The professionals conducting this study were governed by the confidentiality agreement referenced in my Declaration of January 16, 2004. Again, the subjects of this study were never informed of the identity of the chemical compounds making up the substances they were taking, rather only the broad class of drugs to which they may be exposed.

iii) The third study was conducted on or about November 2002, which is after the filing date of the present application.

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7. These were the only studies completed prior to January 11, 2002, by or at the direction of Innovation Ventures regarding the Chaser formulation for use in preventing the deleterious effects of alcohol.

8. Accordingly, even though the compositions of this invention were used for a couple of years, these uses were only experimental in nature and conducted in confidence for the purpose of developing an effective product.

9. I declare that all statements made herein are of my own knowledge or belief and, to the best of my knowledge, are true. I am also aware that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that willful false statements may jeopardize the validity of the application and any patent issuing thereon.

4-15-04

DATE

Thomas F. Morse

THOMAS F. MORSE
President,
Innovation Ventures, L.L.C.